

**ACTS**  
OF THE  
**LEGISLATURE OF ALABAMA**  
OF  
**Local, Private, and Special Character**

PASSED AT THE  
**SPECIAL SESSION OF 1907**  
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY.  
**COMMENCING THURSDAY, NOV. 7, 1907**

BRAXTON BRAGG COMER, GOVERNOR.  
HENRY B. GRAY, LIEUT.-GOVERNOR.  
E. P. THOMAS, PRES. PRO TEM OF THE SENATE.  
A. H. CARMICHAEL, SPEAKER OF THE HOUSE.



I, Frank N. Julian, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

FRANK N. JULIAN,  
Secretary of State.

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# GOVERNOR'S MESSAGE:

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*Gentlemen of the Legislature, House and Senate:*

I have called you together in extraordinary session to consider questions which are deemed of the utmost importance to the State; questions, the proper solution of which, will aid in settling State policies and State rights, the establishment of which it is dangerous to defer and which ought to be clearly defined. I submit to you the following matters which I consider worthy of your consideration:

## REVERSALS OF CRIMINAL CASES ON TECHNICALITIES.

As unfinished business at the adjourned session, you had under consideration a bill looking to the limitation of reversals of criminal cases on technical grounds. I am informed by experienced and capable men from every section of the State that this is an important measure and should be passed. It is strongly urged that such a bill will greatly aid in securing final court decisions and promote the case of justice in very important cases.

## COTTON SEED MEAL AND FERTILIZER BILL.

I am told that the cotton seed meal and fertilizer bill, which was passed at the recent session of the Legislature, in some of its requirements, works a hardship both on the manufacturer and the consumer. This is a very important matter, which should be most carefully considered and any defect remedied.

## FORRESTRY PRESERVATION.

There is a general fear that under present conditions the timber lands of Alabama will soon be consumed. It

has been suggested that remedial forestry legislation should be enacted to prevent this result. Such legislation will undoubtedly be of great advantage to the future of the State, as well as to the owners of our vast timber interests.

#### EPILEPTIC COLONY.

By error in the draft of the Epileptic Colony Bill, which was passed at the recent session, there was no provision made for future care and maintenance. I did not sign this bill, because I thought it unbusiness-like to approve a bill which carried no provision for its maintenance. I recommend that the error in the original bill be corrected and a similar bill passed.

#### REGULATION OF THE SALE OF COCAINE, ETC.

A growing evil demands that the sale of morphine and cocaine should be more strictly regulated by law, and I suggest remedial legislation looking to this end.

#### COMPULSORY EDUCATION.

The bill providing for compulsory education, which passed the Senate and was pending on the House calendar at the adjournment of the recent session, was then, perhaps, not so well understood by the people as it is now. Since the Legislature adjourned, I have been through the State quite a bit and find that public interest has been greatly aroused in the cause of education. There is a deep and wide-spread appreciation of your large appropriations for the benefit of our educational institutions, and a general feeling that if a class of our fellow citizens are not disposed to take advantage of the liberality of the State along this line, the future well-being of the State requires a compulsory education law; that the State should exercise its power to see that every child is given some benefit from the States bounty. I, therefore, recommend the considera-

tion and passage of a law requiring attendance on the schools of the State and suggest that the provisions thereof should be fair and reasonable, but adequate to accomplish the important end in view.

#### REGULATION OF BULK SALES OF GOODS.

The regulation of the sales of stocks of goods and merchandise in bulk, looking to the prevention of dishonest transactions by disposing of entire stocks of goods overnight, when evidently done to avoid the payment of equitable and just claims, demands your attention. Such a bill passed the Senate at the adjourned session and was left on the calendar of the House. It is represented to me as a very important measure, which should receive your attention.

#### EXCESS BAGGAGE BILL.

The Excess Baggage Bill, which passed the Senate and was left on the calendar of the House, I am informed, simply lacked time for its final passage. Many deem this measure beneficial and just, and I refer the same to your consideration.

#### REGULATION OF PASSENGER TRANSPORTATION ON STREET CARS.

A question has been raised as to whether or not your statutes regulating public service corporations allow street car companies to furnish free transportation to policemen and firemen and reduced rates to school children. This is an important question and I refer the same to you for consideration and appropriate action.

#### AMICABLE ADJUSTMENT.

Mindful of the Constitutional injunction that as Governor I "shall take care that the laws be faithfully executed," and in full accord and agreement with the Railroad Commission, the Attorney General and the State's

Associate Counsel, I have used every effort to settle amicably with the public service corporations of the State, so as to secure adjustment and the adaption of your laws to their conditions.

These laws comprise the abolishment of passes, the abolishment of contributions by the railroads to campaign funds, the establishment of a 2½ cent passenger rate, the making of the then freight rate the maximum rate, not to be changed without consent of the Railroad Commission, and the maximum rate on 110 commodities; the latter to be the rates that the roads of Alabama, which are also largely the roads of Georgia, should charge on these articles; making these rates the same in Alabama as they are in Georgia, instead of permitting the changing of the classification and rate to a higher plane as soon as the State line is crossed between Alabama and Georgia.

The State conceded to the Southern and its allied lines some points to prevent conditions that they thought would be harmful. The Southern Railroad then agreed, with this modification, to put in your passenger rate bill, your 110 commodity rate bill and your maximum rate bill, and to withdraw its suit from the Federal court; thus giving your statutes a fair trial. The State further agreed that in the event that the operation of these rates should prove dangerous or confiscatory to the railroads, the Railroad Commission would then modify and re-arrange them. The officers of the Southern made this agreement for the Southern and its allied lines, including the Mobile & Ohio, the Mobile & Birmingham, the Northern of Alabama, the Memphis & Charleston and the Alabama Great Southern. I congratulate the Southern on its own account and on account of the people of Alabama upon removing, in so far as it could, every cause of friction, by giving these statutes a fair trial on its system of railroads.

The officials of the Atlantic Coast Line, the Frisco, the Seaboard and Birmingham & Atlantic have put your statutes into operation, pending litigation, and all of them express themselves as disposed to giving the statutes a fair trial. They recognize that the demands of

the people, and your statutes in conformity with same, should be given consideration. Two railroads alone, the Central of Georgia, and the Louisville & Nashville and allied lines have refused to co-operate with the other roads, and have refused to recognize the authority of your statutes limiting their charges. One of them particularly, the Louisville & Nashville, I am informed, has used every effort to prevent a settlement between the State and the other roads, has earnestly sought to prevent the Southern road from adopting your statutes and dismissing its injunction suits; and has gone so far as to publish an open letter denouncing your legislation as populistic and declaring the Chief Executive of your State to be a sandbagger and a highwayman; a high officer of said road having declared in a public speech in a neighboring city that your executive is populistic, the Executive of your neighboring state, Georgia, populistic and the conduct of the President of the United States as dastardly. All of this is charged because the public officials, thus denounced, recognize the demands of the people for protection against corporate greed and mismanagement. These officials, in connection with those of other states, have advised and urged legislation protective of the people. I am informed that had it not been for the opposition of this one road, a fair trial of your laws would have been given by all of the roads, and a great deal of friction would either not have occurred or would have been stopped.

I have used every effort with this road to secure a settlement and the adoption of your laws; going so far as to propose the removal of anything in these statutes that could be pointed out as dangerous, hurtful or destructive to the railroads. The authority to change the rates you gave the commission, and I was acting in accord with them. I was met by the statement from the railroad that any legislation limiting its charges or management would be regarded as confiscatory, and by the demand that the call for an extra session should be revoked, and the railroads left unhindered, free from interference in making their rules governing their relations to the shippers of the State. To use their own

words, the State's authority over the public service corporations should be limited to preventing rebates, discrimination and publicity of rates, leaving charges on the transportation of the country and the rules governing the business relations, otherwise free from state control and the railroads absolutely free to make such rates as they saw proper, and such rules governing their shipments in the State as they saw proper. In other words, there was an absolute refusal to recognize your rates and observe your statutes.

This conception of the relation of the public service corporations to the shippers is obsolete and dangerous. Every advanced state has already taken or is taking measures to prevent just such contentions. Texas, Missouri, Illinois, Iowa, New York, North Carolina, Virginia and Georgia and other states have pioneered legislation between the carrier and the shipping public. Their legislators have placed the power of the state between the public service corporations and the shipper, limiting their charges and rules, which limitations, instead of being hurtful, have developed property and have been upbuilding both to railroads and to every interest of the people. So, in following the lead of these states, we occupy no dogmatic or individual position, but one clearly defined, already worked out and proven advantageous to every species of business and property, and our State would be derelict in the duty and obsolete in its laws, if we did not seek to maintain the position that the paramount interest to be preserved is the interest of the producer and consumer.

The tax payers of the State have accepted your laws establishing State equalization of taxes in the attempt to have every one pay on the same general value. The tax payers have accepted your laws giving largely increased appropriations to your courts, the old soldiers and the schools.

The liquor interests of the State have accepted the laws which practically debar them from business and turn them out of a large part of the State. The express companies accepted our laws simplifying their charges and greatly reducing same. The Southern Railroad and

its allied lines have accepted your laws and dismissed their suits. The Frisco and the Atlantic & Birmingham Air Line have accepted your laws, pending final decision of the courts. The Louisville & Nashville and Central of Georgia have refused to recognize your laws. They have enjoined the State in the Federal courts, and while professing legality in their course, are actually ignoring your State laws, placing their property different from every other property in the State as to legal responsibility and thwarting the will of the people, and defying the principle of State's right to regulate and have practically bound up the civil and criminal powers of the State. All this has been done in the face of the fact that the proper authorities of the State have extended to them every courtesy looking towards a settlement of the controversy, and have pledged that if after trial, the rates should prove harmful, then a remedy would at once be given. And it must be ever remembered that these law-made rates and regulations, which they have refused, and about which they are creating a disturbance all over the State, are exactly the same which they have tried for years and are now using in neighboring states, and which have not proven destructive, so that there was but little risk in the trial.

It is evident that the question at issue is not so much freight rates or passenger rates, but whether or not the State shall dominate and control its own affairs by limiting the rules and charges of the public service corporations, or, whether the railroads shall have the liberty to deny your right to regulate within the State and to ignore your laws and regulations and every attempt on the part of the State to control them or limit their charges. This proposition I consider to be so dangerous, that following the advice of your counsel, the Attorney General and the counsel employed by the State to assist the Attorney General in the presentation of the cause, I recommend and advise the passage of certain bills which the State's attorneys have drawn for the purpose of strengthening the State's position to aid in settling whether or not the people of Alabama have



the right to dominate their intra-state affairs and make laws regulating them.

I will caution you again that these bills are prepared by the State's attorneys, upon which the State will go to trial, and this legislation is advised because it will be helpful in securing compliance with your statutes fixing passenger and freight rates.

You, of course, understand that the railroad interest will be opposed to these acts, and the question will be squarely before you, "whose advice shall we take, the advice of the railroads which are defying your laws, or the advice of the attorneys employed by the State to represent the State in the interest of the people; whom shall we let dominate and control us, the people of the railroads?"

I will call your special attention to the effort that is being made to arouse Alabamians against Alabamians and to create a division in your ranks and a prejudice in favor of those roads that are fighting our laws. I will also call your attention to the fact that the president of one of these railroads admitted that his road has dominated the policies and politics of Alabama for years, and calmly asserts that this corporate dominance of a State government, by which he secured freedom from every regulation, both as to rules governing their business relations and their freight rates, was for the good of the State. This is a strange statement to a free people; as in every age the dominance of the State by the corporations has been regarded as direful in the last degree, and should be arrested at all hazards. Read the platform of every party, State and nation, and you will see the uniformity of opinion on the subject decrying this danger. He would be a strange candidate for office in this State, who on the stump before the people, would make the statement claimed by this road that its control of the State and freedom from control by the State is for the best interest of the State. This road, the one which has defied your laws and under the claim of legality has thwarted the will of the people and has done more politically to debauch the State of Alabama than any other interest in the State, is here today

with a corps of environed men and environed interests for the purpose of dictating, of seducing, or influencing and making you commit the folly of turning away from the interest of the people and following the will of this road which seeks to escape, through you, the just demands of the people and have you turn back in your legislation and surrender the State's sovereign right of controlling its intra-state affairs.

It is claimed that the discussion of this great question and the laws of the State and the United States regarding same have deranged and hurt business. Any one who has followed the course of the high financiers of the East, the parties who control the public service corporations of our State and of other states, and has noted the wild orgies of speculation, the multiplying of securities in which billions of dollars, not millions, were written and tossed about on the market in regular football method, taking little notice or account of the interest of the people who pay the taxes, will be able to find the real reason for such business disturbance as has occurred.

Those who have followed the course of high financing will know that your laws have not been made too soon, and cannot be made too strongly protective of the interest of the people. Today the interest of those people, who have brought danger to the body politic and the financial world, is being saved by the producer. The producer, I repeat, is being called upon to save the high financiers and their property from the utter destruction to which their wild follies seem to lead. It is the money from the cotton crop of the South and the food crop of the West which is expected to bring the country back to a safe and solid foundation. This being true, as every one knows that it is, then for your part, without hesitation or quibbling, it becomes a duty to make as safe as possible the manufacturers and producers of your own section; for it would be criminal to leave them unprotected in the hands of those who control these great public service corporations.

It is said that Mr. Vanderbilt, when questioned on one occasion as to what the public would think of some

of his railroad transactions replied, "the public be damned." It has been said that Mr. Harriman, when questioned regarding what certain legislation would do, for his system of railroads and his method of running the same, replied that he could buy the Legislature, he could buy Congress, he could buy the Judiciary. He did not mean that he could make this purchase as he would buy a horse, a cow or a sack of peanuts; but he meant that he could so environ the Legislature, Congress and Judiciary that they would carry out his will.

The influence of railroads on the policies and politics of Alabama in the past has, we all know, been great and debauching, and the railroads have not hesitated as to the methods used in carrying out their policies. This influence has brought us face to face with conditions which prevail in our State today, which make it your duty to fashion the law in such a manner as to change these conditions and remedy the evils resulting from them.

Several years ago, when the Louisville & Nashville Railroad was bought over-night by John W. Gates, I am informed that the public statement was made by J. Pierpont Morgan that Mr. Gates was too dangerous a man to own and control such a property. Mr. Morgan secured an option on this road and transferred it by sale to the Atlantic Coast Line. In the general upheaval that is constantly taking place in high financial circles, what is to hinder Mr. Gates, or some other man or combination of men, whom Mr. Morgan, or anybody else would consider dangerous, from re-buying, not only the Louisville & Nashville railroad, but also connecting lines? The Central of Georgia railroad has changed hands three times within the past few years. What is to hinder this great property, so interwoven with the vital interests of Alabama, from passing into the hands of men whom Mr. Morgan, or anybody else, might consider dangerous? What is to hinder our entire railroad system from being bought and controlled in the same way? What is to hinder such methods as these from securing such an interest in our transportation system as

practically to hire out our producers and consumers forever? The protection of the citizen is the first and last care of the successful law-maker.

When we see the weighing and inspecting rules of the railroads made arbitrary and unfair; when we see demurrage rules made entirely onesided and unfair; when we see claims of shippers for lost or damaged freight pigeon-holed and the settlement thereof delayed indefinitely; when we see the most arbitrary rules regarding the purchase of coal from our mine owners and the arbitrary prices fixed for coal to be sold to the railroads and cars for the carriage for the output refused unless their price is accepted; when we see all our important water-ways, by combination of railroad interests boycotted and rendered of little use; when we see the Tennessee river, connecting the Alabama with the Mississippi river system, a system that is attracting the attention of the world and on which the federal government is about to pledge the expenditure of many million dollars for the purpose of helping and cheapening freight carriage; when we see this great river property of Alabama on which the government has expended many million dollars, and which should be of incalculable value to the State, sandbagged and the people robbed of what should be of great worth to the State; when we see the port of Mobile boycotted and State laws regulating the railroad conduct there, nullified and treated with contempt; when we see our freight rates raised overnight by telegraph in defiance of your laws and of every right principle of business; when we see large advances made on freight rates without consulting any one authorized by law to approve the same, but simply to gratify the cupidity of the carrier; when we see classifications changed so as to remove freight from a lower to a higher rate; when we see a paid lobby kept in your capital city and a paid lobbyist kept in the lobby between the two houses of the Legislature, attempting to shape and dominate the character of your laws; when we see money which has been extracted from the people by excessive freight and passenger charges, used to distribute cam-

paign literature through the medium of circulars and the press; when we see vast sums of money sent out into the counties of the State for the purpose of debauching your electorate; when we see railroad environments of every possible nature, either thrown or attempted to be thrown around officials and citizens for the purpose of coercing or controlling your electorate and the officials of your State, all of which is of recent history and present enactment in Alabama, and has been done and is being done by the chief railroad, which is now fighting to the death your right to control and limit it; these things, patriotically considered, should be sufficient to admonish you that you should not hesitate to discharge your duty and to comply with the wishes of the people expressed at three recent elections, the last unanimous, and to discharge your obligations to your State and national platform, and your pledges to protect the citizens of your State from these great public service corporations so effectively and finally that the State will always be an insurmountable power between the citizens and such corporations. I repeat that every officer and voter in the State of Alabama stands committed to the principles and policies for which you have heretofore stood, the essence of which is the State's right to regulate and control all agencies that operate within the State. I can only say to you and to the people of Alabama that my position is your position, my pledges are your pledges, and there is no man in Alabama who should not line up with you in this great contest in which the rights and protection of the people stand as the goal to be won. Outside influence and outside pressure should not be tolerated, but should meet with your resentment. Your duty is plain and your course should be as straight as a string. The presence of the chief representative of the above road at the capital city at this time, if he be for the purpose of influencing you to desert your plain duty, is an insult to your manhood.

The statutes which I recommend are in no sense of the word punitive or destructive. The public service corporations under your laws will be protected and en-

couraged in every right. Only the dangerous use of power, a condition which is now recognized by every State as dangerous to its citizens, to the property of the State, and to the corporations themselves, is sought to be limited and controlled. These statutes then which I advise and which are recommended by the State's attorneys are so framed as to be more effective in securing obedience to your statutes regulating rates and regulating the powers of public service corporations. I suggest the passage of these bills as drawn. The changes are amendatory in nature to your former bills and are suggested by further study and the course of events in the litigation now pending. These amendments are made in the same way that an attorney amends his pleadings and brief as his case progresses. Just as in an individual legal contest you would trust your attorneys and follow their suggestions and advice, so in this great legal contest of the State, you will observe the same trust and confidence, as the part of prudence and wisdom, for the attainment of a successful issue.

The purpose to be accomplished by the bills which I recommend for passage is that of regulation and not of confiscation, or the impairment of a fair return upon investment of foreign corporations in the State. It was by comity, and not by right, that foreign corporations were permitted to begin transaction of business in this State and it was under this act of comity which was extended to them, that they acquired property in the State. This principle of courtesy is not now and never was one of right. It is not founded upon the Constitution, and there is no Constitutional provision, State or Federal, that protects it. It cannot be perverted into a right so as to bring it under the protection of the Constitution. It must be conceded, and that without stint, that your right to enact laws looking to the regulation of foreign corporations is only limited and circumscribed by wise restrictions which you should observe and which you are not asked to transgress. In the exercise of your undoubted right to enact laws looking to the regulation of public service corporations, whether they

be domestic or foreign, you should be careful that the laws you enact in their operation will not go to the extent of impairing the capacity of such corporations to earn, where extortion is not practiced, a fair return, upon the capital invested. This marks the limit of the protection guaranteed by the Constitution, which I have no disposition to take from them. No one of the laws urged by me for passage goes beyond this wise and safe limitation.

## LOCAL, PRIVATE AND SPECIAL LAWS.

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No. 4.)

AN ACT

(H. 78.

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages, in Bullock county, Alabama.

Section 1. Be it enacted by the legislature of Alabama, That on and after January first, 1908, any person, firm or corporation, who sells, gives away, or otherwise disposes of any spirituous, vinous or malt liquors, intoxicating drinks, bitters or beverages in Bullock county, Alabama, shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months. <sup>Sale etc., prohibited.</sup> <sup>Penalty.</sup>

Section 2. That all laws and parts of laws in conflict with this act be and the same are hereby repealed so far as the same relate to Bullock county, Alabama. <sup>Repeal.</sup>

Approved November 20, 1907.

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No. 5.)

AN ACT

(H. 20.

To amend section (10) of an act entitled "An act to regulate the fine and forfeiture fund of Barbour county and the disposal of moneys arising from fines, forfeitures and convict labor," approved February, the 6th, 1895.



Act amended.	Section 1. Be it enacted by the legislature of Alabama, That section ten (10) of an act entitled: "An act to regulate the fine and forfeiture fund of Barbour county, and the disposal of moneys arising from fines, forfeitures and convict labor," approved February the 6th, 1895, be amended so as to read as follows, to-wit: Section 10. Be it further enacted, That after the passage of this act all fines and forfeitures and hire of convicts, or anything pertaining to said fine and forfeiture fund, shall be paid only in lawful currency of the United States, and in nothing else; and all moneys which accrue to said fund in said county, and which may be collected by any sheriff, clerk, judge of probate, notary public and ex-officio justice of the peace, justice of the peace, constable, coroner, or other officer, shall be paid to the county treasurer, and any officer who collects any such moneys and wilfully fails for more than sixty days to pay the same to the county treasurer shall be guilty of a misdemeanor; Provided, that when a defendant in a criminal case tried before a justice of the peace or notary public with powers of a justice of the peace, is discharged, or convicted and sentenced to hard labor for the county, or when he pays the fine only on conviction, and when the costs cannot be collected out of the defendant on execution after returned "no property found," the costs of the justice of the peace or notary public aforesaid, including state's witness fees and that of the constable executing the process in the case, shall be a charge against the fine and forfeiture fund of Barbour county after having been itemized by the respective officers claiming the same, and their correctness sworn to before an officer authorized to administer oaths, and having been registered with the treasurer of the county within sixty days after the creation of the claim; and when so registered shall be a legal claim against the fine and forfeiture fund of said county, and shall be receivable in payment of any fine or forfeiture due
How paid.	
To whom paid to.	
Fees, etc., of officers.	

said county by such justice of the peace, notary public with powers of a justice of the peace, or constable. Provided further that in criminal cases hereafter disposed of in the circuit court in which the defendant is not convicted and the costs are not imposed on the prosecutor, or in which defendants have been convicted and have been proved insolvent by the return of execution "no property found" or in cases in which the state enters a nolle-prosequi, or where indictment has been withdrawn and filed or the prosecution abated by the death of the defendant, the costs, and fees of the clerk of the circuit court and of the sheriff of the county shall be a legal charge against the fine and forfeiture fund of Barbour county, after an itemized statement under oath of the amount of such costs and fees due them respectively, setting out the style of each case and the term at which judgment was rendered, has been registered with the treasurer of the county within sixty days after the accrual or creation of the claim; and when so registered within said time the claim shall be a legal claim against the fine and forfeiture fund of the county, and shall be receivable in payment of any fine and forfeiture due said county by said clerk and sheriff or either of them for fines and forfeitures collected by them or either of them; and if at any time such costs so enumerated or any part thereof, shall be paid to such officers of court by the defendants, under execution or otherwise, they must refund the same to the county treasurer, who must place the amount to the credit of the fine and forfeiture fund of the county; and when an indictment has been reinstated, and the defendant convicted, the fees paid to such officers under this provision shall be taxed against such defendant as a part of the costs and upon the collection thereof shall be paid into the said fine and forfeiture fund of said county.

Approved November 23, 1907.

To amend section (2) of an act approved March 12th, 1907, entitled "An act to amend sections five and fifteen of "an act entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section ten of an act approved March 4th, 1903, entitled 'an act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896," and to amend section two of an act approved December 13th, 1900, entitled an act to amend sections four and eleven of an act entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896."

Act amended.

Section 1. Be it enacted by the legislature of Alabama, That section two (2) of an act approved March 12th, 1907, entitled an act to amend sections five and fifteen of an act entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section ten of an act approved March 4th, 1903, entitled an act to amend sections nine, ten and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, and to amend section two of an act approved December 13th, 1900, entitled an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, be amended so as to read as follows:

Section 2. That section ten (10) of an act approved March 4th, 1903, entitled "An act to amend sections nine, ten, and sixteen of an act to declare the powers and jurisdictions of the city court of Anniston, approved December 9th, 1896, be and the same is hereby amended so as to read as follows: Section 10. That there shall

be a grand jury for each term of said court, which shall be empanelled on the first Monday in September and fourth Monday in February in each year, and shall continue in session until the business coming before it shall have been disposed of; and such grand jury shall have power and authority, and it shall be its duty to investigate all matters and make all recommendations which the grand jury of the circuit court of Calhoun county has authority to do or make. The judge of said court shall have the authority, whenever he shall deem it expedient, after any grand jury has been discharged and before the summoning of the next succeeding grand jury, to cause to be entered on the minutes an order requiring the sheriff to re-summon the persons who have last served as grand jurors in said court, or to make an order requiring the drawing and summoning of a new grand jury, which order shall be entered upon the minutes of the court; and upon such order being made, not less than eighteen (18) nor more than twenty-one (21) names shall be drawn from the jury box of said county, in the manner in which special venirens are required to be drawn by law; and shall make an order requiring the sheriff to summon the persons whose names are so drawn, which order the sheriff must immediately execute, and the persons summoned must attend and serve as grand jurors, and from the persons so attending, with such others as may be necessary to supply any deficiency (to be summoned and drawn as in other cases), a special grand jury must be organized, sworn and charged as in other cases, and it shall be the duty of such special grand jury to investigate such offenses as may be brought to their attention, and proceed thereon as a regular grand jury. There shall be petit juries for the trial of causes in said court. That petit juries must be drawn for six weeks of each regular term of said court, but petit jurors for four weeks only shall be summoned, and jury trials shall commence on the fourth Monday in

Grand jury.

Re-summoning jury.

Special grand jury.

Petit juries.

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**Trial of cases.****Challenges.**

September and the third Monday in March in each year, and may continue for four weeks at each term, should so much time be necessary to dispose of the business of the jury docket, and provided whenever the judge shall deem it expedient, he may by order entered on the minutes, either before or at any time during the jury term require the petit juries drawn on the fifth and sixth weeks, or either of them, to be summoned, and the jury term may continue until the business is disposed of. That the judge shall direct which of the jury weeks of any term shall be devoted to the trial of civil and which to the trial of criminal cases, and may direct any jury case to be heard during any jury week, of said court. And whenever any trial has been commenced before a jury and cannot be completed during the week in which the same was begun, then such trial shall be continued into the next week and until it shall be completed, and such jury shall continue to serve until such case is ended. Provided, that juries for the trial of capital cases shall be drawn, summoned and empanelled as is now or may hereafter be provided by law for drawing, summoning and empanelling juries for the trial of capital cases in the circuit courts of the State. The challenges of jurors shall be the same as now or may hereafter be provided by law in the circuit courts of the State, and all laws applicable to jurors and juries in the circuit courts of the State shall apply equally to this court, except as otherwise provided in this act. The judge of the courts may at any time when it is deemed necessary, order a special jury term to be held, either in term time or in vacation, of which such special jury term ten days notice shall be given by publication in a newspaper in said county, which order shall be entered on the minutes and shall specify the number of weeks the special jury term may continue. Petit juries for a special term shall be drawn by the presiding judge, clerk of the court, and sheriff of

the county, from the jury box of the county, and shall be summoned and empanelled as in the case of petit juries for the regular terms.

Approved November 23, 1907.

No. 11.)

AN ACT

(S. 10.

To fix the time of holding the circuit courts in the counties of Walker and Winston, composing the fourteenth judicial circuit of the State of Alabama. Be it enacted by the legislature of Alabama

Section 1. That the courts in the counties of Walker and Winston, composing the fourteenth judicial circuit of the State of Alabama be held in each year as follows: 1. In the county of Walker; (1) The first term shall commence on the second Monday in January, and may continue until, but not including, the third Monday in March; (2) the second term shall commence on the second Monday in April, and may continue until, but not including, the first day of July; (3) the third term shall commence on the second Monday in October, and may continue until, and including the second Saturday in December.

Time of holding Court in Walker Co.

Section 2. In the county of Winston, (1) the spring term shall commence on the fourth Monday in March and may continue two weeks; (2) the fall term shall commence on the fourth Monday in September, and may continue two weeks.

Winston Co.

Section 3. The equity docket of said circuit court in either Walker or Winston county may be called at any time fixed therefor by the judge of said court, provided the said equity docket must be called while the court is in session as above set out.

Calling of equity docket.

Section 4. That in said counties of Walker and Winston the court may be organized at any time during the term.

Organization of Court.

Section 5. That all laws and parts of laws in conflict with this act are hereby repealed.

Repeal.

Approved November 23, 1907.

No. 16.)

AN ACT

(H. 26.

To fix the times of holding, in each year after the year 1907, the circuit courts of Chilton county in the fifteenth judicial circuit of Alabama.

Time of holding court in Chilton Co.

Section 1. Be it enacted by the legislature of Alabama, That the circuit courts of Chilton county, in the fifteenth judicial circuit of Alabama, shall be held in each year, after the year 1907, as follows: On the eleventh Monday after the fourth Monday in February, and may continue two weeks; and on the thirteenth Monday after the fourth Monday in August, and may continue two weeks.

Repeal.

Section 2. That all laws and parts of laws in conflict with the provisions of this act, be, and the same, are hereby repealed, and that this act shall not be repealed, modified or amended by the provisions of the code of Alabama next hereafter proclaimed or promulgated.

Approved November 23, 1907.

No. 19.)

AN ACT

(H. 34.

To fix, provide for and regulate the pay of State witnesses before the grand juries and circuit courts of Elmore county out of the general fund of said county.

Pay of witnesses.

Section 1. Be it enacted by the legislature of Alabama, That witnesses for the State in all criminal prosecutions, attending before the grand juries and circuit courts of Elmore county shall be entitled to seventy-five cents per day and five cents per mile actually traveled by the most direct route in going to court and returning home.

Certificates issued to witnesses.

Section 2. That it shall be the duty of the clerk of the circuit court to issue to each State witness, attending before said court, when dis-

charged, a certificate for his or her per diem and mileage in accordance with this act, and shall keep a record of every such certificate so issued, with its date and number and to whom issued, and party against whom said witness was called and appeared. During the sitting of the grand juries in said county it shall be the duty of the foreman of the grand jury to issue to each witness, regularly called and appearing before the grand jury, a certificate for his or her per diem and mileage, in accordance with this act, and keep a record of every such certificate so issued, with its date and number, and to whom issued, and name of party against whom such witness was called and appeared.

Section 3. That every certificate issued in accordance with the provisions of this act, must be paid in cash by the county treasurer out of the general fund upon presentation, endorsed on the back by the witness to whom issued. Certificates; payment of.

Section 4. That it shall be the duty of the clerk of the circuit court to provide a book of registry in which immediately after the adjournment of the grand jury, he shall enter a list of all certificates issued by the foreman of the grand jury, in accordance with the provisions of this act, showing their date, number, amount and names of parties to whom issued and shall likewise provide a book of registry, in which he shall immediately after the adjournment of each term of court enter a list of certificates issued by him to State witnesses, in accordance with this act, showing the date, number, amounts and names of parties to whom issued; that said clerk immediately upon completion of said registration, file said book of registry with the county treasurer; that the said clerk for performing the duties required of him, by this section of this act, shall receive three cents for each certificate registered, to be paid to him by the county treasurer, out of the general fund, upon the filing of said book of registry with said treasurer. The county treasurer shall enter upon said register, Book of registry kept by circuit clerk.



opposite the name and amount the date he paid said certificate, and shall file said certificate as a voucher for said payment.

Pay when attending in more than one case on same day.

Section 5. That any witness attending on the same day as a witness for the State in more than one case shall only be entitled to pay in one case, and whenever a witness has attended as a witness for the State on the same day in more than one case, the court may direct in which case a certificate may be issued.

How taxed.

Section 6. That the amount of all State witness certificates issued in any case must on conviction of the defendant, be taxed against the defendant, and collected of him as other cost, as is provided by law, and shall be paid into the county treasury to the credit of the general fund.

Invalidity of section inoperative as to act.

Section 7. That if any section or provision of this act be held or declared unconstitutional or void, all other provisions hereof shall nevertheless be valid and of force.

Repeal.

Section 8. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Effect.

Section 9. That this act shall take effect from and after the first day of January, 1908.

Approved Nov. 23, 1907.

No. 25.)

AN ACT

(H. 75.

To make better provision for paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges in the circuit court of Walker county, or the Walker county law and equity court or before the judges or grand juries of either of said courts. Be it enacted by the legislature of Alabama:

Amount set apart and paid into witness fund.

Section 1. That the treasurer of Walker county, Alabama, shall each year, out of the first moneys received by him to the credit of the general fund of said Walker county, set apart

and pay into the witness fund of said county the sum of three thousand dollars.

Section 2. That said treasurer shall also set apart and pay into said witness fund one-fourth of all moneys received by him as fines and forfeitures, and one-fourth of all moneys paid Walker county for the hire of county convicts. Other moneys set apart.

Section 3. That the moneys provided for in the two preceding sections together with all other moneys paid into the witness fund of said county shall be used exclusively in paying witnesses who appear for and at the instance of the State in the trial and investigation of criminal cases and charges either in the circuit court of Walker county or the Walker county law and equity court or before the judges or grand juries of either of said courts, provided however that if at the end of any calendar year there remains a balance or surplus in said witness fund the court of county commissioners of Walker county may direct that such balance be paid into the general fund of the county. How used.  
Disposition of surplus.

Section 4. The witnesses who appear for and at the instance of the State before any of the courts, judges or grand juries hereinbefore mentioned, shall be paid seventy-five cents per day for each day they are in actual attendance before such courts, judges or grand juries, and shall be paid three cents a mile for each mile traveled in going to and returning from the place where they are summoned to appear, the distance traveled to be computed according to the shortest route most usually traveled from the place where service of summons was had to the place of trial or investigation and return therefrom to the place of service of summons. Fees of witnesses.  
Mileage.  
How computed.

Approved Nov. 23, 1907.

No. 26.)

AN ACT

(H. 88.

To extend the time for the completion of the court house and jail buildings at Chatom, Washington county, Alabama.

Extension of  
time.

Section 1. Be it enacted by the legislature of Alabama, That the time within which the court house building and jail at Chatom in Washington county, Alabama, shall be completed, is hereby extended beyond the time prescribed by law, because of the inability to complete the same within said time, but said building must be completed so as to enable the circuit court of the thirteenth judicial circuit to hold the regular fall term 1908, of said court at Chatom, Alabama, and pending the final completion of said buildings and until said fall term of said court, all courts of said county shall be held at St. Stephens, Alabama.

Duty of com-  
missioners as  
to removal of  
records.

Section 2. It shall be the duty of the county commissioners of said county to provide for the removal of all the records of said county to Chatom, prior to said fall term, 1908, of said court, and it shall be the duty of the sheriff to remove all prisoners to Chatom prior to said fall term of said court.

Repeal.

Section 3. Such portions of laws which may conflict with the provisions of this act in so far as they apply to Washington county, and only to that extent, are hereby expressly repealed.

Approved Nov. 23, 1907.

No. 31.)

AN ACT

(S. 45.

To provide for guards for the Mobile county jail.

Be it enacted by the legislature of the State of Alabama, That the sheriff of Mobile county be, and he is hereby authorized to employ and keep in his service two prison guards, who shall per-

Employment of  
prison guards.

form such duties at the Mobile county jail as may be from time to time assigned to them by the sheriff of Mobile county, by whom they shall be employed and discharged, and that each of said guards shall receive a salary of seventy-five dollars per month to be paid out of the treasury of the county of Mobile. Salary of and how paid.

Approved November 23, 1907.

No. 39.)

AN ACT

(H. 113.)

To regulate the practice and proceedings in the circuit courts of Marion county, Alabama, and in the supreme court on appeals from judgments rendered in such cases.

Section 1. Be it enacted by the legislature of Alabama, That in all cases commenced in the circuit court of Marion county, in this State, by summons and complaint the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time or vacation; and in all cases commenced by attachment, the defendant shall appear and demur or plead to same within thirty days after the levy of the attachment and service of the notice thereof, or in case the suit is against a non-resident, or other person upon whom the service may be had by publication, within thirty days after service is perfected by such publication; and in all other cases the defendant must appear and plead or demur within thirty days after the perfection of service upon him; and in all cases, whether commenced by summons and complaint, attachment or otherwise, any defendant failing for more than thirty days after service has been perfected upon him to appear and demur or plead, shall be held to be in default, and at any time thereafter, judgment by default, on motion of Trial of cases commenced by summons and complaint.  
Other cases.

the plaintiff may be rendered against him, provided, however, that the court may, for good cause shown, allow such judgment so obtained by default to be set aside and demurrers or pleas to be filed, on such terms as the court may think just, but no application to set aside such judgment, unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court unless accompanied by an affidavit made by the defendant or his agent or attorney to the effect that, in the belief of the affiant, the defendant, has a lawful defense to such suit.

Demand for  
jury trial.

Section 2. That in all cases whether commenced by summons and complaint, attachment, or otherwise, the issue and questions of fact shall be tried by the court without the intervention of a jury, unless jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by any other person interested in such issue or question at the time he appears, such demand must be made by the plaintiff or the party occupying the position of plaintiff by endorsing the same in writing upon the summons and complaint, attachment, petition, claim or other paper filed by him, for the purpose of instituting such suit, or when he intervenes without suing out process, upon the pleading or paper filed by him for the purpose of presenting such issue or question of fact, and by the defendant or other party occupying the position of defendant, including garnishees by endorsing such demand in writing upon the demur, plea, answer, or other pleading filed by him; and in all cases brought by appeal or certiorari from judgments of justices of the peace of other inferior courts, the issues and questions of fact, shall be tried by the court without a jury, unless a demand for a trial by jury be made in writing and filed in the cause by the party taking the appeal or suing out the certiorari at the time of the taking or suing out the same, or by the opposite party within thirty days

after he has been served with notice of the appeal or certiorari.

Section 3. That in the trial of any cause without a jury in said court in addition to the question which may be under existing laws presented to the supreme court for review, either party may by bill of exceptions also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be an error, shall render such judgment in the cause as the court below should have rendered or reverse and remand the same for further proceedings as to the supreme court shall be deemed right.

Section 4. That the provisions of this act shall not apply to the trials of persons charged with misdemeanors or other crimes, whether commenced in said court, or brought thereto by appeal; nor shall they apply to trial of cases brought to said court by appeal from the judgment of the mayor of any city or town in said county for the violation of any municipal ordinance.

Section 5. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved Nov. 23, 1907.

No. 40.)

AN ACT

(H. 112.

To further regulate the use of the fine and forfeiture fund of Washington county.

Section 1. Be it enacted by the legislature of Alabama, That after the payment by the county of Washington of all charges against the fine and forfeiture fund of said county, as now provided by law, and the payment of all allowances for ex-officio services of officers, officers' salaries

and fees, if any balance should remain in said fund at the end of any year, then the commissioners of said county shall make provision for the payment of all claims now chargeable to said fund by law, including those herein named, for the ensuing year, and after making such provision said commissioners shall be authorized to draw out of said fund one-half of the surplus for the purpose of constructing permanent bridges in said county, the amount so drawn out to be used as a "bridge fund" and for no other purpose; provided, that at no time shall the amount in said fine and forfeiture fund be reduced to less than \$1,500.00 for said purpose.

Repeal.

Section 2. Such parts of local or general laws which conflict with the provisions of this act are expressly repealed.

Approved Nov. 23, 1907.

No. 41.)

AN ACT

(H. 98.

To amend an act to amend section 909 of the code of 1896, approved February 28th, 1903, so far as the same relates to the times of holding the circuit courts of Franklin county, Alabama.

Time of holding court in Franklin county.

Section 1. Be it enacted by the legislature of Alabama, That subdivision 4 of an act to amend section 909 of the code of 1896, approved February 28th, 1903, be amended to read as follows: In the county of Franklin on the second Monday in February and August and may continue one week, and the first Monday in May and November and may continue three weeks.

Non jury terms.

Section 2. For the terms of the court to be held in the months of February and August, neither petit or grand jurors shall be summoned or empanelled and said terms shall be known as non-jury terms, and all cases in which juries have not been demanded, may be heard and determined at said terms of court.

Section 3. Grand and petit jurors shall be summoned and empanelled for the terms of <sup>Jury terms.</sup> court to be held in the months of May and November, provided that if the judge of the eleventh judicial circuit shall be of the opinion that a jury shall not be needed for the third week of said terms, he may direct the clerk of the court, not less than thirty days prior to the beginning of said terms, not to issue venires for said third week.

Section 4. That all laws and parts of laws in <sup>Repeal.</sup> conflict with the provisions of this act, be and the same are hereby repealed.

Approved November 23, 1907.

No. 42.)

AN ACT

(H. 97.

To regulate the practice and proceedings in civil cases in the circuit courts of Franklin county in this State and in the supreme court on appeals from judgments rendered in such cases.

Section 1. Be it enacted by the legislature of Alabama, That in all cases commenced in the <sup>Trial of cases</sup> circuit court of Franklin county in this State, <sup>commenced by</sup> by summons and complaint the defendant shall <sup>summons and</sup> be required to appear and demur or plead to the <sup>complaint.</sup> complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time or vacation; and in all cases commenced by attachment, the defendant shall appear and demur or plead to within thirty days after the levy of the attachment and service of the notice thereof, or in case the suit is against a non-resident, or other person upon whom the service may be had by publication within thirty days after service is perfected by such publication; and in all other cases <sup>Other cases.</sup> the defendant must appear and plead or demur within thirty days after the perfection of service



upon him; and in all cases, whether commenced by summons and complaint, attachment or otherwise, any defendant failing for more than thirty days after service has been perfected upon him to appear and demur or plead, shall be held to be in default, and at any time thereafter, judgment by default, on motion of the plaintiff may be rendered against him, provided however, that the court may, for good cause shown, allow such judgment so obtained by default to be set aside and demurrer or pleas to be filed, on such terms as the court may think just, but no application to set aside such judgment, unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court unless accompanied by an affidavit made by the defendant or his agent or attorney to the effect that in the belief of the affiant, the defendant, has a lawful defense to such suit.

**Jury trials.**

Section 2. That in all cases whether commenced by summons and complaint, attachment, or otherwise the issue and questions of fact shall be tried by the court without the intervention of a jury, unless jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by any other person interested in such issue or question at the time he appears, such demand must be made by the plaintiff or the party occupying the position of plaintiff by endorsing the same in writing upon the summons and complaint, attachment, petition, claim or other paper filed by him, for the purpose of instituting such suit, or when he intervenes without suing out process, upon the pleading or paper filed by him for the purpose of presenting such issue or question of fact, and by the defendant or other party occupying the position of defendant, including garnishees by endorsing such demand in writing upon the demurrer, plea, answer, or other pleading filed by him; and in all cases brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals, the issues and

questions of fact, shall be tried by the court without a jury, unless a demand for a trial by jury be made in writing and filed in the cause of the party taking the appeal or suing out the certiorari at the time of the taking or suing out the same, or by the opposite party within thirty days after he has been served with notice of the appeal or certiorari.

Section 3. That in the trial of any cause without a jury in said court in addition to the question which may be under existing laws presented to the supreme court for review, either party may by bill of exceptions also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be an error, shall render such judgment in the cause as the court below should have rendered or reverse and remand the same for further proceedings as to the supreme court shall be deemed right. Question presented to Supreme Court on appeal.

Section 4. That the provisions of this act shall not apply to the trials of persons charged with misdemeanors or other crimes, whether commenced in said court, or brought thereto by appeal; nor shall they apply to the trial of cases brought to said court by appeal from the judgment of the mayor of any city or town in said counties for the violation of any municipal ordinance. What provisions do not apply to.

Section 5. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed. Repeal.

Approved Nov. 23, 1907.

No. 43.)

AN ACT

(H. 124.

To authorize an election to be held at the several voting places in Crenshaw county, upon the question whether or not spirituous, vinous

or malt liquors or intoxicating drinks or beverages may be sold, given away or otherwise disposed of in Crenshaw county, fixing the date of said election; and providing that if at said election a majority of the qualified electors, voting there and shall vote against the sale of such liquors, it shall thereafter be unlawful to sell, give away or otherwise dispose of such liquors in any manner in Crenshaw county, prescribing a penalty for a violation of this act and repealing all laws local and special or general in conflict with the provisions thereof.

**Election when held.** Section 1. Be it enacted by the legislature of Alabama, That an election be held at the several election or voting places in Crenshaw county, Alabama, on the 30th day of December, 1907, for the purpose of determining whether or not spirituous, vinous or malt liquors or intoxicating beverages of any kind may be sold, given away or otherwise disposed of in Crenshaw county, Alabama.

**Purpose of.**

**Appointment of managers, etc.** Section 2. The probate judge, clerk of the circuit court and the sheriff of Crenshaw county are hereby ordered and directed as soon as practicable to appoint three managers and one returning officer for each precinct or voting place in said county to manage, conduct and make returns for said election; such managers and returning officers so appointed shall be, as far as it is practicable so to do, equally divided between those who favor prohibiting the sale of intoxicating liquors and those who oppose the prohibiting such sale. If any of the managers thus appointed for any voting place does not appear on the day of said election, or if any returning officer is not present to make his returns, the manager or managers so appearing may appoint managers and returning officers to fill the places of those failing to appear.

**Notification of managers.** 3. The sheriff of Crenshaw county as soon as practicable after the appointment of the man-

agers and returning officers for said election shall notify them of their appointment.

4. The probate judge of Crenshaw county shall prepare and cause to be printed the necessary ballots not less than double the number of qualified electors in each precinct, poll lists and tally sheets and return sheets and instructions for holding the election, and it shall be the duty of the sheriff to see that the same are delivered to one of the managers of each election precinct or voting place before the day of election. Ballots, etc., prepared and furnished.

5. The ballot used in such election shall have printed or written on the same "Against the sale of liquor," "For the sale of liquor," and the voters in preparing or casting his ballot shall make a cross mark before the phrase "Against the sale of liquors" or the phrase "For the sale of liquors" as the case may be indicating his choice or vote, but no ballot or vote shall be rejected on the count thereof or refused for the failure to comply with this section, if the ballot clearly shows or indicates the choice of the voter. Form of ballot.

6. Immediately after the polls are closed the managers shall duly ascertain the result of the election at their respective voting places, and make due returns of the same to the probate judge of said county, and deliver the ballot box containing the returns so made together with the ballots, poll lists, tally sheets, and other necessary papers to the returning officer for such voting place, who shall deliver the same to the probate judge of such county, at his office, on or before noon of the second day after the election. How cast.

7. The probate judge, sheriff and circuit clerk of said county shall in open session five days after the election, canvass the returns so made and under oath make a written report declaring the result of the election as to the entire county, showing the number of votes cast in said county, and at each voting place against the sale of liquors, and the number cast for the sale of liquors, which report shall be filed at once in the office of the probate judge and published in a Managers to ascertain result and make return to probate judge.

Canvass of returns.

newspaper published in said county, and if there be no newspaper published in said county, then by posting copies of the report at five public places in said county and by posting a copy of said report at the court house door of said county whether there be a newspaper published in the county or not.

Laws applicable.

8. Except as otherwise provided in this act, elections held under it shall be held and conducted under the general election law of the State, and the officers of the election under the provisions of this act as under the general laws of the State shall discharge and perform the same duties and receive the same compensation as required of and provided for in the general election laws of this State, which compensation and all costs of election shall be paid out of the county treasury of the county in which the election is held.

Persons entitled to vote.

9. All persons, who are qualified electors under the constitution and general election laws of this State at the time of the election, and only such, shall be entitled to vote at any election held under the provisions of this act.

How contested.

10. Election held under the provisions of this act may be contested by any elector of Crenshaw county in the same manner as is provided by the general election laws of this State for the contest of an election for the office of judge of probate. A sheriff of Crenshaw county may be made the contestee and the county solicitor shall be made to respond to the contest.

Unlawful to sell, etc., if majority vote against sale.

11. If a majority of the legal votes cast at said election in said county held under the provisions of this act shall be "Against the sale of liquors," then it shall not be lawful to sell or give away or otherwise dispose of any intoxicating liquors, drinks or beverages within the bounds of said county after the 30th day of December, 1907, nor shall a license be obtained or granted authorizing or purporting to authorize the sale or other disposition of such intoxicating liquors, drinks or beverages after the date

of such election within said county, and all licenses issued before such election shall be null and void and shall not authorize the sale or other disposition of such intoxicating liquors after the date of such election.

12. The provisions of this act shall extend to all sales or other disposition of intoxicating liquors, drinks or beverages whether by dispensaries, retailers, wholesale dealers or any separate or isolated sales or disposition. What provisions extend to.

13. The phrase intoxicating liquors, drinks and beverages used in this act shall include alcoholic liquors, drinks or beverages which are or may be intoxicating. Meaning of phrase, "intoxicating liquors," etc.

14. That any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars and may also be sentenced to hard labor for the county for not less than three nor more than twelve months. Penalty for violation.

15. That all laws and parts of laws, local, special or general in conflict with any of the provisions of this act be and the same are hereby repealed, provided nothing in this act shall be so construed as to prevent the use of wine for sacramental purposes. Repeal. Use of wine for sacramental purposes allowed.

Approved November 23, 1907.

No. 44.)

AN ACT

(H. 72.)

To prohibit the manufacture, sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors, in Lee county, Alabama, after the 31st day of December, 1907.

Section 1. Be it enacted by the legislature of Alabama, That from and after the thirty-first day of December, A. D., 1907, it shall be unlawful for any person, firm, corporation, social club or order, to manufacture, sell, give away, or other- Manufacture sale, etc., prohibited.

wise dispose of any spirituous, vinous or malt liquors, within Lee county, Alabama.

Section 2. That any person, firm, corporation, social club or order, violating any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than two hundred and fifty, nor more than one thousand dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for a period of time not more than twelve months, one or both, at the discretion of the court or jury trying the case.

Use of wine  
for sacramental  
purposes al-  
lowed.

Section 3. That nothing in this act shall be construed to prohibit or prevent the use of wine for sacramental purposes.

Repeal.

Section 4. That all laws, or parts of laws, either general or special, in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved November 22, 1907.

No. 50.)

AN ACT

(H. 114.)

To fix the time of holding the circuit courts of Marion county, Alabama, and to authorize the judge thereof to perform certain additional duties.

Time of hold-  
ing court.

Section 1. Be it enacted by the legislature of Alabama, That there shall be held a term of the circuit court of Marion county, Alabama, beginning on the third Mondays in February and August of each year and may continue two weeks; and a term of said court shall be held on the fourth Mondays in May and November of each year and may continue one week. Provided, that for the said terms to be held in May and November no grand or petit juries shall be drawn or summoned or criminal cases set except on the order of the judge of the eleventh judicial circuit of Alabama.

Section 1 1-2. That the terms of the court to be held beginning on the fourth Mondays in May and November shall be known as non-jury terms,<sup>Non-jury terms.</sup> and all cases in which juries have not been demanded may be heard and determined at said terms of court; and if the judge of the eleventh judicial circuit of Alabama shall decide that a grand or petit jury, one or both, shall be needed<sup>Drawing of jury.</sup> at any of said terms to be held in May and November, he shall draw from the jury box of said county said jury or juries and proceed with the trial of cases either civil or criminal or both as provided by law.

Section 2. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.<sup>Repeal.</sup>

Approved November 23, 1907.

No. 57.)

AN ACT

(H. 63.)

To authorize an election to be held at the several voting places in Pike county, upon the question of whether or not spirituous, vinous or malt liquors or intoxicating drinks or beverages may be sold in Pike county, fixing the date of said election; and providing that if at said election a majority of the qualified electors, voting thereat shall vote against the sale of such liquors, it shall thereafter be unlawful to sell, or otherwise dispose of such liquors in any manner in Pike county, prescribing a penalty for a violation of this law, and repealing all laws in conflict with the provisions thereof.

Section 1. Be it enacted by the legislature of Alabama, That an election shall be held at the several election places in Pike county, Ala., on Dec. 16th, 1907, for the purpose of determining whether or not spirituous, vinous or malt liquors or intoxicating beverages of any kind may be sold in Pike county, Alabama.<sup>Election; when held and purposes of.</sup>



Appointment  
of managers,  
etc.

Section 2. The probate judge, clerk of the circuit court and the sheriff of the county of Pike are hereby ordered and directed as soon as practicable to appoint three managers and one returning officer for each precinct, or voting place in said county to manage, conduct and make returns of said election; such managers and returnings officers so appointed shall be, as far as it is practicable so to do, equally divided between those who favor prohibition of the sale of intoxicating liquors and those who oppose the prohibition of such sale. If any of the managers thus appointed for any voting place do not appear on the day of said election, or if any returning officer is not present to make his return the manager or managers so appearing may appoint managers and returning officers to fill the places of those failing to appear.

Notification of  
managers.

Section 3. The sheriff of Pike county as soon as practicable after the appointment of the managers and returning officers for said election shall notify them of their appointment.

Ballots, etc.,  
prepared and  
furnished.

Section 4. The probate judge of Pike county shall prepare and cause to be printed the necessary ballots not less than double the qualified electors in each precinct, poll lists and tally sheets and return sheets and instructions for holding the election, and it shall be the duty of the sheriff to see that the same are delivered to one of the managers of each election precinct or voting place before the day of the election.

Form of ballot.

Section 5. The ballot used in such election shall have printed or written on the same "Against the sale of liquors," "For the sale of liquors," and the voter in preparing or casting his ballot shall make a cross mark before the phrase "Against the sale of liquors," of the phrase "For the sale of liquors," as the case may be, indicating his choice or vote but no ballot or vote shall be rejected or the count thereof refused for failure to comply with this section, if the ballot clearly shows or indicates the choice of the voter.

How cast.

Section 6. Immediately after the polls are closed, the managers shall duly ascertain the result of the election at their respective voting places and make due return of the same to the probate judge of said county, and deliver the ballot containing the returns so made together with the ballots, poll lists, tally sheets, and other necessary papers to the returning officer for such voting place, who shall deliver the same to the probate judge of such county ( at his office, on or before noon the second day after the election.

Managers to ascertain result and make return to probate judge.

Section 7. The probate judge, sheriff, and circuit clerk shall in open session five days after the election, canvass the returns so made and under oath make a written report declaring the result of the election as to the entire county, showing the number of votes cast in said county, and at each voting place against the sale of liquors and the number cast for the sale of liquors, which report shall be filed at once in the office of the probate judge and published in a newspaper published in said county, and if there be no newspaper published in said county, then by posting copies of the report in five public places in the county, and by posting a copy of said report at the court house door of said county in each case whether there be a newspaper in the county or not.

Canvass of returns.

Section 8. Except as otherwise provided in this act, elections, held under it shall be held and conducted under the general election law of the State, and the officers of the election under the general laws of this Stat shall discharge and perform the same duties and receive the same compensation as required of and provided for in the general laws of the State, which compensation and all costs of election shall be paid out of the county treasury of the county in which the election is held.

Laws applicable.

Section 9. All persons who are qualified electors under the constitution and general election laws of this State at the time of the election,

Persons entitled to vote.

and only such, shall be entitled to vote at any election held under the provisions of this act.

How con-  
tested.

Section 10. Election held under the provisions of this act may be contested by any elector of Pike county in the same manner as is provided by the general elections laws of this State for the contest of an election for the office of judge of probate. A Pike county sheriff may be the contestee and the county solicitor shall be made to respond to the contest.

Unlawful to  
sell, etc., if ma-  
jority vote  
against sale.

Section 11. If a majority of the legal votes cast at said election in said county held under the provisions of this act shall be "against the sale of liquor," then it shall not be lawful to sell or otherwise dispose of any intoxicating liquors, drinks, or beverages within the bounds of said county after the thirty-first day of December next succeeding the date of said election, nor shall a license be obtained or granted authorizing or purporting to authorize the sale or other disposition of such intoxicating liquors, drinks or beverages after the date of said election within said county, and all licenses issued before such election shall be null and void and shall not authorize the sale or other disposition of such intoxicating liquors after the thirty-first day of December next succeeding the date of the election.

What provis-  
ions extend to.

Section 12. The provisions of this act shall extend to all sales or other dispositions of intoxicating liquors, drinks, or beverages, whether by dispensaries, retailers, wholesale dealers or any separate or isolated sales or dispositions.

Repeal.

Section 13. The phrase "intoxicating liquors, drinks and beverages" used in this act shall include all alcoholic liquors, drinks or beverages which are or may be intoxicating.

Approved November 23, 1907.

No. 61.)

AN ACT

(H. 123.

To alter or re-arrange the boundaries of North Birmingham, Jefferson county, Alabama.

Be it enacted by the legislature of Alabama, That the boundaries of North Birmingham, Jefferson county, Alabama, be altered or re-arranged as follows: Begin at the intersection of the northern boundary line of the city of Birmingham with the present eastern boundary line of North Birmingham, thence northwardly along the said eastern boundary line of North Birmingham to the center of Village creek, thence up the center of Village creek to where said center line of Village creek intersects the western boundary line of the right of way of the main line of the Louisville and Nashville Railroad, thence northwardly along said western boundary line of the right-of-way of the Louisville and Nashville Railroad to a point where said western boundary line would intersect the northern boundary line of the right-of-way of the Birmingham Mineral Railroad, thence westwardly along said northern boundary line of the right-of-way of the Birmingham Mineral Railroad to the western boundary line of the N. E. 1-4 of the S. W. 1-4 of section 18, township 17, south, range 2, west; thence north to the northwest corner of the N. E. 1-4 of the S. W. 1-4 of said section 18, township 17, south, range 2, west; thence west to the southwest corner of the S. E. 1-4 of the N. W. 1-4 of section 13, township 17, south, range 3, west; thence north to the northwest corner of the S. E. 1-4 of the N. W. 1-4 of said section 13, township 17, south, range 3, west; thence west to the southeast corner of the N. E. 1-4 of the N. E. 1-4 of section 15, township 17, south, range 3, west; thence south along the east line of said section 15, township 17, south, range 3, west, to the boundary line of North Birmingham; thence southwardly and eastwardly along the western and southern

Boundaries of  
N. Birming-  
ham.

boundary line of North Birmingham, broken, to the point of beginning.

Approved November 30, 1907.

No. 75.)

AN ACT

(S. 65.

To better provide for the payment of the fees of State witnesses in criminal cases in the court, and before the grand jury of Tallapoosa county, to make appropriations therefor, and to fix the amount of such fees.

Amount ap-  
propriated an-  
nually out of  
general fund  
and purpose of.

Section 1. Be it enacted by the legislature of Alabama, That there is hereby appropriated out of the general fund of Tallapoosa county, twelve hundred and fifty (\$1250.00) dollars annually, to be used for the payment of the fees of State witnesses in criminal cases in the circuit court and before the grand jury, and the commissioners' court of said county are required to set aside said sum each year from the general fund of said county to be used, or so much thereof as may be necessary to be used for said purpose. Said sum shall be used only for the payment of witness fees that accrue after the passage of this act. Provided that none of said amount of twelve hundred and fifty dollars shall be paid out, except said payment be made direct to the witness to whom the witness certificate was issued and who is at the time of payment the owner of said certificate.

Monies paid  
into fine and  
forfeiture  
fund.

Section 2. All fines and forfeitures and other monies that are now required to be paid into the fine and forfeiture fund of said county, or that belong to said fund or constitute a part of the same, shall continue to be paid into said fine and forfeiture fund and shall be used to pay off and discharge outstanding claims against said fund and claims accruing against said fund in the manner as now provided by law, all witness fees in excess of the amount hereby appropriated

and not paid in any other way shall be claims against said fund, and shall be paid out of the same in order of their registration.

Section 3. The fees of witnesses in criminal cases in said court, and before the grand jury, shall be one dollar per day, and five cents for each mile to and from their residence by the usual traveled route, and all necessary ferriages and tolls. <sup>Fees of witness.</sup>

Section 4. All claims and items of cost which, under existing law, are made claims against the fine and forfeiture fund of said county, shall continue to be claims against said fund as they accrue, and shall be paid in the manner now provided by law, except the witness fees paid out of the money appropriated by this act, and this act shall not be held to repeal any existing law regulating said fund or the payment of claims against the same. <sup>Claims against fund.</sup>

Section 5. This act shall go into effect, and become operative, on and after the first day of January, 1908. <sup>Effect.</sup>

Approved Nov. 23, 1907.

No. 78.)

AN ACT

(S. 62.

To create a board of education for the Huntsville school district of Madison county, Alabama, to provide for the election of their successors, to define the powers and duties of said board and to provide for the management, support and maintenance of the public school of said district.

1. Be it enacted by the legislature of Alabama, That a board of education consisting of five members, who are and shall be resident citizens of said district, qualified electors and householders, be and it is hereby established for the Huntsville school district in Madison county, Alabama, composed of James H. Pride, R. E. <sup>Board of education created. Members of and term of office, etc.</sup>

Pettus, W. I. Wellman, Paul Speake and Jackson Rand and their successors in office; that the members of said board shall serve for life, as shall their successors; that in the event of the death or resignation of any member of said board, the remaining members shall elect his successor; that said board shall serve without pay and that each member of said board shall, before entering upon the discharge of his official duties, take an oath that he will faithfully to the best of his ability and in accordance with the law, discharge the duties devolving upon him as a member of said board.

Powers of  
board as to  
teachers, etc.

2. That said board of education for said school district shall have exclusive power to elect teachers, to establish, regulate and conduct the public schools of the Huntsville district, and shall be capable and liable in law and equity to sue and be sued, plead and be impleaded, and shall have power to make such by-laws and regulations for the government of their own body and for the election and pay of teachers, the admission of pupils and the conduct and control of public school in the said school district as they may deem necessary, not inconsistent with the constitution and laws of the State; but separate schools, shall be maintained for the white and colored children, and all teachers employed shall have license from the State board of examiners. It shall be within the power of the said board of education to say what grade certificate shall be required of the teachers in said school district. Said board shall cause all children of school age in said district to be enumerated and reported biennially as district trustees are required to do, and said board shall have power to appoint a treasurer and fix his bond and to appoint such other officers and agents as they may deem necessary to carry into effect the powers herein granted and to prescribe the duties and powers of such officers and agents.

Power to re-  
ceive, etc., sub-  
scriptions.

3. That the board of education for the Huntsville district shall have power to take subscrip-

tions and receive donations, rent and receive lands and buildings in said city for school purposes, and to furnish such buildings and to keep them in repair.

4. That the board of education shall have power in the event that the corporate authorities of the city of Huntsville shall not sufficiently supplement the State funds in the hands of the board, to require the prepayment of a supplemental fee by each pupil, not to exceed fifty cents per month, to meet the expenses of said school, also to establish a high school for the teaching of the higher branches of education and to fix and to collect such tuition fees in the high school as may be deemed necessary, in the event that the mayor and aldermen of the city of Huntsville shall not sufficiently supplement the State fund in the hands of the board, in addition to the fees and income to be derived from other sources, to carry on said high school.

5. That said board of education shall receive annually its proportionate share of the State and county educational funds coming to Madison county and shall receive all taxes collected as poll tax within the said district; and the corporate authorities of the city of Huntsville may appropriate annually out of the revenues of said city such sum as they may determine for the use and maintenance of the public schools in said district. All revenue of said district shall be paid to the treasurer of said board and shall be disbursed by him under the directions of said board, in the same manner that county superintendents of education draw and disburse school funds, and the treasurer shall make such reports as county superintendents of education are required to make and such as the said board of education may require.

6. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved November 25, 1907.



No. 80.)

AN ACT

(S. 54.)

To extend the corporate limits of the town of  
Thomasville, Alabama.

Corporate  
limits of  
Thomasville.

Section 1. Be it enacted by the legislature of Alabama, That the corporate limits of the town of Thomasville, Alabama, be and the same is hereby extended by adding there to the following territory, to-wit: Commencing at the north-east corner of the present incorporation, and running due north to the north-east corner of the north-west quarter of south-west quarter of section 13, township 11, range 3, east; thence due west with land line to Choctaw corner and Grove Hill public road, thence in a southern direction with said road to the southern boundary of section 22, thence east to the south-west corner of the present incorporation.

Approved Nov. 23, 1907.

No. 81.)

AN ACT

(S. 48.)

To provide for a license tax of one dollar on each dog, over the age of three months, kept in Russell county, Alabama; and to authorize the judge of probate of said county to collect such license tax and to issue such license; and to require the judge of probate of said county to pay the funds arising from such license to the county treasurer of said county to be expended upon the public roads of said county, and to prescribe a punishment for any person, who keeps a dog in said county over the age of three months without first having taken out such license.

License tax on  
dogs, amount  
of.

Section 1. Be it enacted by the legislature of Alabama, That from and after the first day of January, 1908, each and every person, who keeps a dog, which is over the age of three

months, in Russell county, Alabama, is hereby required to pay to the judge of probate of said county, an annual license tax of one dollar on each and every dog so kept in said county.

Section 2. That it shall be the duty of the judge of probate of said county to issue to each person, applying therefor, a license, which shall describe each such dog to be kept thereunder, upon the payment to him of the sum of one dollar for each such dog described in such license and a fee of twenty-five cents shall be paid to the judge of probate for such license. Duties of probate judge as to.

Section 3. That the funds arising under this act, shall be paid by such judge of probate to the county treasurer of said county to be expended upon the public roads of said county. Funds paid to County Treas. for public roads.

Section 4. That any person, who shall keep any such dog in said county, without having first obtained such license, shall upon a conviction thereof be fined not less than three times the amount of the license herein provided for. Penalty for keeping dog without paying license.

Approved Nov. 23, 1907.

No. 86.)

AN ACT

(S. 63.

To provide for the construction, repairing, working and maintenance of the public roads and bridges of Madison county. Be it enacted by the legislature of Alabama:

Section 1. The probate judge of Madison county shall as soon as practicable after the approval of this act, and every two years thereafter, except as hereinafter provided, appoint a supervisor of public roads for said county, whose term of office shall be for two years; Provided, however, that the supervisor first appointed after the approval of this act, shall hold office until the first of October, 1909, at which time his successor shall be appointed for a term of two years, and every two years thereafter a su- Appointment of supervisor. Term of office.

pervisor shall be appointed. Such supervisor shall be a competent graduate civil engineer with experience in road building and shall be subject to removal by said judge for drunkenness, incompetency, neglect of duty, or for any cause to be determined by said judge. Such supervisor may make the bond required of him in section 2 of this act, in a solvent guarantee company to be approved by such judge.

**Bond and oath.** Section 2. That such supervisor shall before entering upon the duties of his office, qualify by taking and filing the statutory oath of office and giving bond conditioned for the faithful performance of the duties of such office, payable to Madison county, in such sum as may be prescribed by said court, not less than one thousand dollars, with sureties thereon to be approved by the probate judge of said county, which oath and bond shall be recorded as other official bonds required to be recorded, in the office of the judge of probate.

**Salary.** Section 3. That the supervisor of public roads shall receive a salary for each year's service of not less than eighteen hundred dollars nor more than twenty-four hundred dollars, to be determined within said limit by the commissioners' court and to be paid to him in monthly installments, at the end of each month, by warrant to be drawn by the judge of probate on the road fund of the county.

**Supervision of roads, etc.** Section 4. That said supervisor shall have control and supervision of all the public roads of said county as to the manner of working, repairing and maintaining the same, as to changes of old roads, and establishing of new roads when ordered established by the commissioners' court, and of the execution of any contract that may be made for the working and repairing roads, or of repairing and building bridges, culverts, or cause-ways; provided, that at all times the said supervisor shall be under the direction and control of the commissioners' court of said county.

Section 5. That the supervisor shall have authority, and it shall be his duty immediately after entering on the duties of his office, to appoint a competent person in each precinct of the county as enumerator of road hands for each precinct, for a term of two years, which said enumerator shall make oath in writing that he will faithfully discharge the duties of said office, which said oath may be administered by said supervisor, and when so taken shall be filed in the office of the judge of probate of said county and there preserved for public examination.

Appointment  
of renumera-  
tors.

Oath.

Section 6. That as soon as the enumerator and list of road hands hereinafter provided for shall have been made and filed in the office of the judge of probate, it shall be the duty of such enumerator by and with the advice and under the supervision, of the supervisor, to divide the public roads of each precinct into sections of such length as he may determine numbering consecutively the said sections and he shall then appoint such overseers as he may deem necessary, for a term of two years, for the efficient and proper working and maintenance of the roads in such precinct, and assign such section or sections to each overseer as he may determine, and to each overseer he shall apportion such road hands for each section as to be the amount and character of work to be done on such section as may, in his judgment be necessary, and he shall deliver a list of such road hands to such overseer and keep a duplicate list for filing in the office of said supervisor and to there be for ready reference.

Roads divided  
into sections.

Section 7. That it shall be the duty of said supervisor to cause each overseer to take and subscribe in writing on oath that he will faithfully perform the duties of overseer, which oath may be administered by said supervisor or enumerator and shall be filed in the office of the judge of probate. To each overseer so appointed the said supervisor shall deliver a commission setting forth the section of sections over which he

Oath of over-  
seers.

Commission.

Vacancy, how filled.

Removal.

Supervisor to inspect roads.

Enrollment of hands by enumerator.

has been appointed, together with the grade of the road or roads of each section. Provided that when a vacancy occurs in the office of the overseer, from whatever cause the same shall be filled by said supervisor, and provided further that said enumerator, by and with the advice and consent of the supervisor, may at any time remove any overseer for neglect, failure or refusal to perform his duties or for drunkenness while discharging the duties of his office.

Section 8. That said supervisor shall personally inspect all the public roads in the county at least once each year, and in making such inspection when practicable shall be accompanied by the overseer of the section, and he shall make such suggestions and give such directions as to changing road beds, establishing, repairing, improving and working the public roads, in building and repairing and maintaining bridges and culverts as he may deem proper. He shall make full reports of the condition of the public roads, and the manner in which any contracts have been or are being executed to the court of county commissioners at the February, May, August and November terms of said court in each year, and such special reports as said court may call for at other times.

Section 9. That the enumerator hereinbefore provided for shall immediately after the first day of January of each year make a thorough and complete canvass of his precinct, taking down the names and ages of all male inhabitants, of the precinct over twenty-one and under forty-five years of age residing in said precinct and entering opposite each name so enrolled the name or location of the farm on which he resides or the location of the house in which he dwells and the name of the public road nearest to his dwelling place. The said enrollment book shall be written in a plain, legible manner, with ink, and upon the completion of the enrollment be at once filed in the office of the probate judge, or delivered to the supervisor.

Section 10. That said enumerator shall have authority to administer oaths and in making his enrollment of road hands, or at any time when it may be necessary to list persons for road service, if the person proposed to be listed shall claim to be over forty-five or under twenty-one years of age, the said enumerator may take the affidavit of such person or any person so proposed to be listed which affidavit shall be in writing and subscribed by the affiant and the same shall be preserved and filed by such enumerator in the office of the probate judge, except in cases when he has cause to believe that perjury has been committed when he shall return such affidavit to the next grand jury; provided, that in listing persons for road duty no person who shall have a certificate of exemption from the county medical board, shall be listed for the road service then ordered unless such disability be permanent and so stated in the certificate.

Power to administer oaths.

Affidavit.

Where filed.

Section 11. That the enumerator herein provided for shall be exempt from further road service during the years he so serves, and shall receive the sum of ten dollars per year during the time he serves. Provided, that such enumerator shall hold office at the will of the supervisor, and may be removed by him at any time for neglect or failure to perform his duties, or for partiality or favoritism shown therein, and upon removal shall be subject to enrollment as a road hand.

Exemption from service.

Salary.

Removal.

Section 12. That on the appointment of overseers the enumerator is not restricted to persons who are subject to road duty under this act, and it shall be the duty of each overseer to make quarterly reports to the supervisor of any and all moneys received by him from hands in commutation of labor, the name of the person from whom received and when and for what paid, and shall pay over the same to the supervisor, taking his receipt therefor, and said supervisor shall pay the sum to the county treasurer to be credited by him on the books of the road fund

Reports of overseers, etc.

of the county; and it shall be the duty of the commissioners' court as far as practicable to appropriate an amount at least equal to such funds for the working or maintenance of the respective roads to which the hands paying the same were apportioned. Any overseer appropriating for his own use any money paid to him in commutation of labor shall be guilty of embezzlement and shall be liable to criminal prosecution therefor as provided by law in such cases.

Persons subject to road duty.

Section 13. That all persons subject to road duay under the general laws of the State shall be required to work upon the public dirt roads of said county for not less than six days in each year, or instead thereof, shall pay the sum of three dollars annually or may pay a part in money and a part in labor at fifty cents per day to be collected as hereinafter provided.

Calling out hands.

Sec. 14. That whenever an overseer shall determine that a dirt road needs repairing or working, or when the supervisor shall so direct, he shall call out such hands as have been listed to him as he may deem sufficient in number to work or repair said road but may take instead thereof fifty cents per day for each days work for which each hand is called at the option of the hand and if any hand shall fail or refuse to work or pay fifty cents for each day he shall fail or refuse to work it shall be the duty of the overseer, after five days from the warning to work was given, to return each and every hand so failing or refusing to a justice of the peace of the county, and such road hand shall be proceeded against as a road defaulter under the general road laws of the State, provided, that the overseer may excuse defaulters on showing good excuse on oath, which may be administered by the overseer, within five days after default. Any person making a false affidavit to the overseer to get excused shall be guilty of perjury.

What constitutes days' work.

Section 15. That a day's work for road hands under this act shall be ten hours of actual service and the warning of hands shall be made in

accordance with the general laws of the State, but no farm hand or person engaged in farming shall be worked except between January first, and March first, and July fifteenth and September first, except in opening new roads as now provided by law or, for the removal of any obstruction or other casualty or great need that prevents travel. No hand shall be required to go more than six miles from his residence in working the public roads.

Time farm hands, etc., need not work.

Distance from residence.

Section 16. That when a road hand listed to an overseer, who has performed part of his road service, removes from a precinct, it shall be the duty of the overseer to furnish him on demand a written certificate showing the time he has served during the calendar year, which certificate shall be an exemption to such hand to the extent of the time worked from road service in any other precinct in the county to which he may remove.

Certificate given hand removing from one precinct to another.

Section 17. The supervisor shall let all repairing, keeping in order, building or constructing of all macadamized and graveled roads, and public bridges, except emergency repairs at less than twenty-five dollars in value, at public outcry to the lowest responsible bidder upon such notice and at such place within the county as the commissioners' court may prescribe. All work shall be done in accordance with full and accurate specifications to be furnished by the supervisor. Each contractor shall give bond to be approved by the judge of probate, for the faithful performance of his contract equal to the amount he is to receive for the work undertaken by him, when such work is finished it shall be examined by the supervisor and approved by him he shall give the contractor an order on the commissioners' court for the amount of his contract which shall be paid by warrant drawn by the probate judge on the road fund of the county. The supervisor shall have the right, if he thinks the bids for work on such roads too high, to reject any and all bids made. In this event he shall

Repairing, etc., of roads let at public outcry.



readvertise for bids for such work, and if in his judgment all bids are still too high, he shall have the right to reject them, and the commissioners' court shall then order such work to be done by said supervisor. A careful account of the cost of such work so done by the supervisor shall be kept and filed with the probate judge and shall be open to the inspection of the public.

Dirt road of equal dimensions.

Section 18. Whenever a new pike or gravel road is built a dirt road of equal dimensions and flush therewith shall also be constructed, if practicable.

Licenses required of persons hauling logs, etc.

Section 19. Persons hauling logs, lumber or timber over the roads of the county to sell or for another, for hire, and not for their own use, or the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a license of two and one-half dollars per month for each two horse wagon and five dollars per month for each four horse wagon so used in such hauling. It is not intended hereby to require a license for private hauling connected with or usual to the ordinary operation of a farm. Such license to be issued by the judge of probate. The proceeds thereof to be paid into the road fund of the county. For issuing each license the judge shall be entitled to a fee of twenty-five cents to be paid by the party procuring the license. It shall be unlawful to do the hauling herein forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars, to be paid in lawful money, which fine when collected shall be paid over to the road supervisor as part of the road fund.

Penalty for violation.

Salary of overseer.

Section 20. That the overseer of the roads appointed under this act shall receive one dollar a day, each, during the time they are actually engaged in working said roads.

Section 21. That all male inhabitants of the county between the ages of twenty-one and sixty-five years are subject to road duty under this act as enumerators or overseers. Persons subject to duty as overseer or enumerator.

Section 22. That whenever it can be done, it is the duty of the supervisor to have the roads worked by the overseers, at such time as the implements bought and furnished by the county may be used first by one overseer and then by the other, so that such implements bought and furnished by the county may be used by all the overseers as much as possible. Implements, as to use of.

Section 23. That any overseer or enumerator who fails to preform his duty as such under the provisions of this act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars. Penalty, for failure to discharge duty by overseer.

Section 24. That the supervisor of roads shall be under the control and direction of the commissioners' court of the county who shall require him to devote his entire time to the public roads and bridges of the county, and he shall be furnished with all necessary stationery and blanks for the use of his office, and that he shall keep such books and accounts, lists of overseers, enumerators and road hands as to show all transactions pertaining to the establishment, working, repairing, maintenance of the public roads and bridges and shall be provided with a desk in the court house in which to keep his books and other papers pertaining to his office. Supervisor under control of county commissioners. Stationery, etc. furnished.

Section 25. It shall be the duty of every person, firm or corporation employing hands, to furnish the supervisor, upon his application, a list of hands in their employ between the ages of twenty-one and forty-five and failing so to do, such person, firm or corporation shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than fifty dollars. List of hands furnished by employees. Penalty for violation.

Section 26. That it shall be the duty of the court of county commissioners of Madison county to have this act printed for use of said court and other courts of the county and for the officers herein named. Act printed.

Rules and regulations of commissioners.

Section 27. That the court of county commissioners shall have full power and authority to make and establish such rules and regulations not in conflict with this act, as it may deem necessary for the proper establishing, working, maintaining and repairing the public roads, bridges, and culverts of said county and for requiring all persons charged with any duty, power or liability under this act, a rigid performance thereof. Justices of the peace shall have jurisdiction of the offense herein created for violations of the provisions of this act, except felonies.

Roads first put in order.

Section 28. The present macadamized and graveled roads of the county shall be first put in condition, that they may be saved and kept before any new ones are built.

Effect.

Section 29. This act shall take effect immediately and all laws and parts of laws in conflict with any of its provisions are repealed.

Repeal.

Approved Nov. 23, 1907.

No. 87.)

AN ACT

(S. 72.

To amend section 32 of an act entitled: "An act to establish a law and equity court for Madison county, as amended July 31, 1907," so that said section 32 will read as follows:

Sentence for hard labor.

Section 32. In all cases of conviction in this court, the party convicted shall be sentenced to hard labor for the county when the sentence is for two years or less, although the aggregate of two or more sentences imposed upon the same party may exceed two years; except when the county has no hard labor contract, or its contract does not include the class or sex to which the party to be sentenced belongs; and in cases of felony no additional sentence for costs shall be imposed, but the costs of conviction shall be first paid out of the hire of the convict and the

Felony, no additional sentence for costs.

balance placed in the county treasury to the credit of the general fund. In cases of misdemeanor, however, an additional sentence for costs may be imposed as provided in section 5426 of the code; any balance of the funds arising from such sentence for costs, above the costs, shall be placed in such treasury to the credit of the fine and forfeiture fund. All funds arising from the hire of convicts upon conviction in this court in misdemeanor cases, over and above the sum necessary to pay the costs of conviction, shall be paid into such treasury to the credit of the fine and forfeiture fund. Nothing in this section shall interfere with imprisonment in the county jail, where it is authorized by law and a jail sentence is deemed proper; or shall effect the provisions of section 26 hereof. Parties in jail or in actual custody upon a charge of misdemeanor, may, by filing a demand in writing, in person or by attorney, waiving a jury, demand and have immediate trial before the judge, either in term time or in vacation.

Misdemeanor,  
Additional  
sentence for  
costs.

Disposition of  
funds remain-  
ing.

Immediate  
trial.

Approved Nov. 26, 1907.

No. 93.)

AN ACT

(H. 128.

To prohibit the manufacture, sale, lending, giving, bartering, exchanging, delivering or otherwise disposing of spirituous, vinous, malt or intoxicating liquors or beverages in Pickens county, Alabama. Be it enacted by the legislature of Alabama:

Section 1. Any person, firm, or corporation, who manufactures, sells, lends, gives, barter, exchanges, delivers or otherwise disposes of any spirituous, vinous, malt or intoxicating liquors or beverages within the county of Pickens in the State of Alabama, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars at the discretion

Manufacture,  
sale, etc., pro-  
hibited.

Penalty for  
violation.

---

of the jury or the court trying the case; an additional punishment of imprisonment in the county jail or at hard labor for the county may be imposed by the judge not less than three months.

Effect.

Section 2. This law shall become operative and go into effect on and after January 1st, 1908.

Approved Nov. 23, 1907.

# INTEREST LAWS AND STATUTES OF VARIOUS STATES OF THE UNION.

States and Territories.	Interest Laws.		Statutes of Limitations.		
	Legal rate, per cent.	Rate allowed by contract, per ct.	Judgments, years.	Notes, years.	Open accts. years.
Alabama -----	8	8	20	6	23
Arkansas -----	6	10	10	5	3
Arizona -----	7	*	5	5	3
California -----	7	*	5	4	2
Colorado -----	8	*	6	6	6
Connecticut -----	6	†	‡	6	6
Delaware -----	6	6	--	6	3
District of Columbia -----	6	10	12	3	3
Florida -----	8	10	20	5	4
Georgia -----	7	8	7	6	4
Idaho -----	7	12	6	5	4
Illinois -----	5	7	7	10	5
Indiana -----	6	8	20	10	6
Iowa -----	6	8	20	10	5
Kansas -----	6	10	5	5	3
Kentucky -----	6	6	15	15	2
Louisiana -----	5	8	10	5	3
Maine -----	6	*	20	6	6
Maryland -----	6	6	12	3	3
Massachusetts -----	6	*	20	6	6
Michigan -----	6	8	6	6	6
Minnesota -----	7	10	10	6	6
Mississippi -----	6	10	7	6	3
Missouri -----	6	8	10	10	5
Montana -----	10	*	10	8	3
Nebraska -----	7	10	5	5	4
Nevada -----	7	*	6	6	4

INTEREST LAWS AND STATUTES OF LIMITATIONS—*Contd.*

States and Territories.	Interest Laws.		Statutes of Limitations.		
	Legal rate, per cent.	Rate allowed by contract, per ct.	Judgments, years.	Notes, years.	Open accts. years.
New Hampshire -----	6	6	20	6	6
New Jersey -----	6	6	20	6	6
New Mexico -----	6	12	7	6	4
New York -----	6	6	20	6	6
North Carolina -----	6	6	10	3	3
North Dakota -----	6	12	10	6	6
Ohio -----	6	8	5	15	6
Oklahoma -----	7	12	5	5	3
Oregon -----	8	10	10	6	6
Pennsylvania -----	6	6	5	6	6
Rhode Island -----	6	*	20	6	6
South Carolina -----	7	8	20	6	6
South Dakota -----	7	12	10	6	6
Tennessee -----	6	*	10	6	6
Texas -----	6	10	10	4	2
Utah -----	8	*	8	6	4
Vermont -----	6	6	8	6	6
Virginia -----	6	6	10	5	2
Washington -----	7	12	6	6	3
West Virginia -----	6	6	10	10	5
Wisconsin -----	6	10	20	6	6
Wyoming -----	8	12	5	5	3

\*Any rate; †any rate, but only 6 per cent. can be collected by law.  
‡no law.

## STATE OFFICERS.

---

### THE OFFICIAL HEADS OF THE DEPARTMENTS.

Braxton Bragg Comer, of Jefferson.....Governor.  
Henry B. Gray, of Jefferson.....Lieutenant Governor.  
Alexander M. Garber, of Talladega.....Attorney General.  
Wm. W. Brandon, of Tuscaloosa.....State Auditor.  
Frank N. Julian, of Colbert.....Secretary of State.  
Walter D. Seed, of Tuscaloosa.....State Treasurer.  
Harry C. Gunnels, of Calhoun.....Superintendent of Education.  
J. A. Wilkinson, of Autauga.....  
.....Commissioner of Agriculture and Industries.  
Chas. Henderson, of Pike.....President Railroad Commission.  
W. H. Sanders, of Mobile.....State Health Officer.  
J. Craig Smith, of Dallas.....President Convict Board.  
J. J. Mitchell, of Lauderdale.....Pres. State Tax Commission.  
John R. Tyson, of Montgomery..Chief Justice of the Supreme Court.  
Bibb Graves, of Montgomery.....Adjutant General.  
John Purifoy, of Wilcox.....Examiner of Public Accounts.  
Thomas M. Owen, of Jefferson..Director Dept. Archives and History.  
R. W. Manning, of Clay.....State Land Agent.  
Wm. M. Byrd, of Jefferson....Commissioner State S. and O. Lands.  
John H. Wallace, Jr., of Madison..State Game & Fish Commissioner.  
W. H. Seymour, of Montgomery.....  
.....Director Alabama Bureau of Cotton Statistics.  
R. H. deHoll, of Jefferson.....Immigration Commissioner.



## LEGISLATIVE DEPARTMENT.

Legislature meets quadrennially, sessions limited to 50 working days. Special sessions limited to 30 working days.

### OFFICERS OF THE SENATE.

Lieutenant Governor and President of Senate-----  
-----Henry B. Gray, of Jefferson.  
President Pro-Tem-----E. P. Thomas, of Barbour.  
Secretary-----J. A. Kyle, of Jackson.  
Assistant Secretary-----Wm. J. Conniff, of Montgomery.  
Engrossing and Enrolling Clerk---Mrs. M. V. Gesner, of Montgomery.  
Comparing Clerk-----Mrs. Laura J. Alley, of Montgomery.  
Doorkeeper-----W. B. Kemp, of Monroe.  
Assistant Doorkeeper-----W. H. Maybin, of Montgomery.  
Doorkeeper of Gallery-----J. T. Watkins, of Barbur.  
Messenger-----Joe Wilkinson, Prattville.  
Pages—Thos. Hayes, Mooresville; J. K. Jackson, Jr., Armistead Gayle,  
and C. C. Devinney, Montgomery.

### MEMBERS.

#### STATE SENATE—1907.

First District—Lauderdale and Limestone: Wm. N. Hayes, of Mooresville.  
Second District—Lawrence and Morgan: W. T. Lowe, of Decatur.  
Third District—Blount, Cullman and Winston: John F. Wilson, of Oneonta.  
Fourth District—Madison: Robert Elias Spragins, of Huntsville.  
Fifth District—Jackson and Marshall: J. A. Lusk, of Guntersville.  
Sixth District—Etowah and St. Clair: Ed D. Hamner, of Attalla.  
Seventh District—Calhoun: Frederick Leonard Blackmon, of Anniston.  
Eighth District—Talladega: J. W. Heacock, of Talladega.  
Ninth District—Chambers and Randolph: J. W. Overton, of Wedowee.  
Tenth District—Elmore and Tallapoosa: J. W. Strother, of Dadeville.  
Eleventh District—Tuscaloosa: F. S. Moody, of Tuscaloosa.  
Twelfth District—Fayette, Lamar, and Walker: M. L. Leith, of Jasper.  
Thirteenth District—Jefferson: N. L. Miller, of Birmingham.  
Fourteenth District—Pickens and Sumter: G. B. Wimberly, of Reform.  
Fifteenth District—Autauga, Chilton and Shelby: H. S. Doster, of Prattville.

- Sixteenth District—Lowndes: Evans Hinson, of Hayneville.  
 Seventeenth District—Butler, Conecuh and Covington: C. E. Reid, of Andalusia.  
 Eighteenth District—Bibb and Perry: H. E. Reynolds, of Centreville.  
 Nineteenth District—Choctaw, Clarke and Washington: Norman Gunn, of Thomasville.  
 Twentieth District—Marengo: J. J. King, of Consul.  
 Twenty-first District—Baldwin, Escambia, and Monroe: O. O. Bayles, of Monroeville.  
 Twenty-second District—Wilcox: William Clarence Jones, of Camden.  
 Twenty-third District—Dale and Geneva: P. B. Davis, of Chancellor.  
 Twenty-fourth District—Barbour: Elias Perry Thomas, of Eufaula.  
 Twenty-fifth District—Coffee, Crenshaw and Pike: John Gamble, of Troy.  
 Twenty-sixth District—Bullock and Macon: H. P. Merritt, of Tuskegee.  
 Twenty-seventh District—Lee and Russell: E. H. Glenn, of Seale.  
 Twenty-eighth District—Montgomery: C. B. Teasley, of Montgomery.  
 Twenty-ninth District—Cherokee and DeKalb: W. W. Barbour, of Fort Payne.  
 Thirtieth District—Dallas: H. F. Reese, of Selma.  
 Thirty-first District—Colbert, Franklin and Marion: G. T. McWhorter, of Riverton.  
 Thirty-second District—Greene and Hale: Amos Horton, of Pleasant Ridge.  
 Thirty-third District—Mobile: Max Hamburger, of Mobile.  
 Thirty-fourth District—Cleburne, Clay and Coosa: D. M. White, of Goodwater.  
 Thirty-fifth District—Henry and Houston: B. A. Forrester, of Cowarts.

## OFFICERS OF THE HOUSE.

Hon. A. H. CARMICHAEL, of Colbert-----Speaker.  
 CYRUS B. BROWN, of Montgomery-----Clerk.  
 WM. F. HERBERT, of Marengo-----Asst. Clerk.  
 JNO. W. JOHNSON, of Colbert-----Reading Clerk.  
 FRANK A. GAMBLE, of Walker-----Engrossing Clerk.  
 W. L. MARTIN, of Montgomery-----Enrolling Clerk.  
 ROBERT HASSON, of Calhoun-----Doorkeeper.  
 T. W. DEYAMPERT, of Montgomery-----Asst. Doorkeeper.  
 JOEL BARNETT, of Montgomery-----Doorkeeper of Gallery.  
 Messengers—Cecil Stubbs of LaPine, Eddie Dent of Montgomery, and  
 Wallace McGowin, of Brewton.  
 Pages—Charles Alley, John Green of Montgomery; Gus Borders, of  
 Ozark; Morgan Sherrod, of Courtland and Ellis Cranford, of  
 Jasper.

## MEMBERS.

Autauga—Eugene Ballard, Prattville.  
 Baldwin—S. C. Jenkins, Bay Minette.  
 Barbour—J. S. Williams, Clayton; R. M. Lee, Clio.  
 Bibb—Jerome T. Fuller, Centerville.  
 Blount—W. A. Weaver, Oneonta.  
 Bullock—N. B. Powell, Union Springs; S. P. Rainer, Union Springs.  
 Butler—W. J. Jones, Butler Springs; J. Lee Long, Greenville.  
 Calhoun—Joseph J. Arnold, Jacksonville; Wm. H. Cooper, Oxford.  
 Chambers—S. L. Burney, Lanette; E. M. Oliver, LaFayette.  
 Cherokee—Charles Rattray, Jamestown.  
 Chilton—J. Osmond Middleton, Clanton.  
 Choctaw, Wallace H. Lindsey, Butler.  
 Clarke—Isaac Pugh, Grove Hill; J. D. Doyle, Salitpa.  
 Clay—J. D. Carmichael, Goodwater, R. F. D.  
 Cleburne—John A. Brown, Belle Mills.  
 Coffee—R. H. Arrington, Enterprise.  
 Colbert—A. H. Carmichael, Tuscumbia.  
 Conecuh—J. D. McCrory, Evergreen.  
 Coosa—John W. Johnson, Alex. City, R. F. D.  
 Covington—Abner Powell, Andalusia.  
 Crenshaw—M. W. Rushton, Luverne.  
 Cullman—George H. Parker, Cullman.  
 Dale—Wm. Garner, Ozark, Ala.  
 Dallas—Robert R. Kornegay, Selma; Alexander D. Pitts, Selma; Samuel  
 C. Lacy, Vale Grande.  
 DeKalb—W. H. Elrod, Fort Payne, Ala.  
 Elmore—W. L. Lancaster, Wetumpka; Lamar Smith, Tallassee, R. F. D.  
 Escambia—J. H. L. Henley, Bradley.  
 Etowah—Alto V. Lee, Jr., Gadsden; H. P. Smith, Keener.  
 Fayette—W. M. Cannon, Fayette.  
 Franklin—Ben H. Smith, Newburgh.

Geneva—J. R. Alford, Hartford.  
 Greene—W. B. Baltzell, Baltzell.  
 Hale—H. Graham Benners, Greensboro; Alfred M. Tunstall, Greensboro.  
 Henry—J. W. Malone, Abbeville, R. F. D.-----; J. R. Vann, Abbeville, R. F. D.-----  
 Houston—W. L. Lee, Columbia  
 Jackson—James Armstrong, Scottsboro; James S. Benson, Langston.  
 Jefferson—John T. Glover, L. J. Haley, Sam Will John, Jere C. King, W. E. Urquhart, Birmingham; R. F. Lovelady, Pratt City; M. C. Ragsdale, McCalla.  
 Lamar—C. W. White, Millport.  
 Lauderdale—John L. Hughston, Florence; H. A. Killen, Green Hill.  
 Lawrence—C. M. Sherrod, Courtland.  
 Lee—T. D. Power, Opelika; R. C. Smith, Opelika.  
 Limestone—B. B. Peete, Athens, R. F. D.-----  
 Lowndes—J. A. Coleman, Mt. Willing; D. F. Crum, Farmersville.  
 Macon—E. W. Thompson, Tuskegee.  
 Madison—A. D. Kirby, Huntsville; N. M. Rowe, Triana.  
 Marengo—W. B. Doyle, Dixon's Mill; S. G. Woolf, Demopolis.  
 Marion—C. E. Mitchell, Hamilton.  
 Marshall—W. M. Coleman, Albertville.  
 Mobile—Francis O. Hoffman, Mobile; A. S. Lyons, Mobile; Jos. H. Nerville, Mobile.  
 Monroe—John McDuffie, River Ridge.  
 Montgomery—R. T. Goodwyn, Gaston Gunter, O. C. Maner, P. B. Mastin, Montgomery.  
 Morgan—Wm. H. Long, Jr., Decatur; John R. Sample, Hartselle.  
 Perry—W. L. Pitts, Sr., Uniontown; George P. White, Marion.  
 Pickens—J. M. Pratt, Reform.  
 Pike—H. W. Ballard, Milo; J. T. Sanders, Goshen,  
 Randolph—W. R. Avery, Wehadka.  
 Russell—Homer R. Dudley, Seale; Wm. J. Price, Girard..  
 Shelby—Hosea Pearson, Shelby, Ala.  
 St. Clair—J. W. Mocre, Coal City.  
 Sumter—W. A. Altman, York; Robert L. Seale, Livingston.  
 Talladega—J. H. Lawson, Talladega; J. B. Sanford, Sylacauga.  
 Tallapoosa—Thos. L. Bulger, Dadeville; J. Fletcher Turner, Dadeville.  
 Tuscaloosa—Fleetwood Rice, Northport; J. M. Foster, Tuscaloosa.  
 Walker—E. R. Lacy, Jasper; J. H. Cranford, Jasper.  
 Washington—Perry Edwards, Escatawpa.  
 Wilcox—Sol D. Bloch, Camden; Lee McMillan, Gastonburg.  
 Winston—W. M. Barton, Lynn.

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